

1 AN ACT concerning taxes.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Property Tax Code is amended by adding  
5 Section 22-31 as follows:

6 (35 ILCS 200/22-31 new)

7 Sec. 22-31. Procedure to prevent unjust issuance of deed.

8 (a) Definitions. For purposes of this Section:

9 "Residential property" means any real estate that is  
10 improved with a single family residence or residential  
11 condominium units or a multiple dwelling structure containing  
12 single family dwelling units for 6 or fewer families living  
13 independently of each other and includes a condominium unit.  
14 The use of a portion of residential real estate for  
15 non-residential purposes does not affect the characterization  
16 of that real estate as residential real estate.

17 "Person designated to receive service" means the public  
18 guardian of the county in which the property is located, or his  
19 or her designee, or such other person as the chief judge of the  
20 circuit court of that county so designates.

21 (b) Notice of tax deed petition after redemption period has  
22 expired. In all proceedings for the issuance of a tax deed that  
23 concern residential properties for which the owner of record  
24 has not redeemed the taxes within the redemption period,  
25 including any extensions of the redemption period, the tax  
26 purchaser, or his or her assignee, shall serve the person  
27 designated to receive notice with a copy of the notice required  
28 by Section 22-10. The manner of service shall be made pursuant  
29 to Supreme Court Rule 105(b)(1) or Supreme Court Rule  
30 105(b)(2). With regard to any residential property, no tax deed  
31 shall issue until 60 days after the date that the person  
32 designated to receive notice has been formally served with

1 notice of the tax deed proceeding.

2 (c) Investigation of owner of record's capacity. Upon  
3 receipt of the notice referred to in subsection (b), the person  
4 designated to receive notice shall conduct an investigation of  
5 the owner of record's capacity. The investigation shall be  
6 concluded within 60 days after the receipt of that notice. On  
7 petition to the court in the tax deed proceeding, with notice  
8 to the tax purchaser, the time to conclude the investigation  
9 may be extended for an additional 60 days for good cause shown.  
10 No tax deed shall issue during any such extension of time. The  
11 person designated to receive notice has the right to have the  
12 clerk of the court issue subpoenas and the right to petition  
13 the court in the tax deed proceeding for additional assistance,  
14 including a request to be named guardian ad litem, as may be  
15 necessary to conduct the investigation that is required by this  
16 Section.

17 (d) Appointment of guardian. If the person designated to  
18 receive notice concludes that the owner of record may be a  
19 disabled person, as defined in Article XIa of the Probate Act  
20 of 1975, and that appointment of a guardian under Article XIa  
21 of the Probate Act of 1975 may be necessary to protect the  
22 interests of the owner of record, then the person designated to  
23 receive notice shall cause a petition for guardianship to be  
24 filed in the appropriate court in the county in which the  
25 property is located. The tax deed petitioner shall be served  
26 with formal notice of the petition for guardianship. The notice  
27 shall include a copy of the petition for guardianship. The  
28 manner of service shall be made pursuant to Supreme Court Rule  
29 105(b)(1) or Supreme Court Rule 105(b)(2). The tax deed  
30 petitioner may appear in the guardianship proceeding in order  
31 to object to a finding that the owner of record was disabled  
32 during any portion of the redemption period or to seek a ruling  
33 that the owner of record was not disabled during the redemption  
34 period.

35 Upon the filing of a petition for guardianship, all further  
36 proceedings in the tax deed proceeding shall be stayed until

1 further order of the court in which the guardianship proceeding  
2 is pending. If, as a result of the petition for guardianship,  
3 the probate court adjudges the owner of record to be a disabled  
4 person and appoints a guardian of the estate pursuant to  
5 Section 11a-3 of the Probate Act of 1975, the court shall also  
6 determine by a preponderance of the evidence whether the owner  
7 of record was disabled and unable to manage his or her estate  
8 during any portion of the redemption period. If the court  
9 determines that the owner of record was disabled and unable to  
10 manage his or her estate during any portion of the redemption  
11 period, the guardian shall be entitled to redeem from the tax  
12 sale within 6 months after the date of the appointment of the  
13 guardian. Unless the court determines that the owner of record  
14 was disabled and was unable to manage his or her estate  
15 throughout the redemption period, the court shall enter an  
16 order lifting the stay of the tax deed proceedings. A finding  
17 that the owner of record was not disabled during any portion of  
18 the redemption period does not preclude that person from  
19 raising any other available defenses to the issuance of a tax  
20 deed in the tax deed proceeding.

21 (e) Reimbursement to the person entitled to notice. The  
22 person entitled to notice is entitled to reimbursement for the  
23 reasonable costs of the investigation undertaken pursuant to  
24 this Section, including reasonable attorney's fees, whether or  
25 not a guardian is appointed, provided that the amount of  
26 reimbursement is approved by the court. The person entitled to  
27 receive notice may bring a petition for reimbursement of costs  
28 and attorney's fees in either the court hearing the  
29 guardianship proceeding or the court hearing the tax deed  
30 proceeding. The reimbursement for costs and attorney's fees  
31 approved by the court shall be paid from the indemnity fund  
32 created in the county under Section 21-295 of this Act. If a  
33 guardian of the estate for the owner of record is appointed,  
34 the guardian shall petition the court in the probate proceeding  
35 for authority to reimburse the indemnity fund from the estate  
36 of the owner of record for any costs paid from the indemnity

1 fund that relate to the investigation of the owner of record  
2 under this Section. Upon that petition, the court shall order  
3 reimbursement unless that reimbursement will cause substantial  
4 hardship to the owner of record.

5 (f) This Section applies only in Cook County.